

## IN THE CLAIMS

Please amend the claims to read as follows:

### Listing of Claims

1. (Currently Amended) A non-aqueous electrolyte secondary battery comprising:

a positive electrode;

a negative electrode containing a negative electrode mix containing a material capable of absorbing and releasing lithium, wherein the material is comprises at least one selected from the group consisting of alloys, intermetallic compounds, carbonaceous materials, organic compounds, inorganic compounds, metal complexes and organic high molecular compounds; and

a non-aqueous electrolyte, wherein:

the positive electrode contains a lithium manganese composite oxide, which contains lithium when synthesizing the oxide, as an active material and the negative electrode contains at least one compound selected from the group consisting of NaOH, ~~Na<sub>2</sub>O~~, ~~Na<sub>2</sub>O<sub>2</sub>~~, ~~NaO<sub>2</sub>~~, Na<sub>2</sub>CO<sub>3</sub>, NaHCO<sub>3</sub>, Na<sub>2</sub>SiO<sub>3</sub>, NaNH<sub>2</sub>, NaN<sub>3</sub>, NaHC<sub>2</sub>, KOH, ~~K<sub>2</sub>O~~, ~~K<sub>2</sub>O<sub>2</sub>~~, ~~KO<sub>2</sub>~~, KN<sub>3</sub>, KNH<sub>2</sub>, KHC<sub>2</sub>, Sr(OH)<sub>2</sub>, ~~SrO~~, ~~SrO<sub>2</sub>~~ and SrCO<sub>3</sub> and the content of said compounds at least one compound in the negative electrode mix is such that the total content of the elements of sodium, potassium and strontium is not less than 0.01% by weight

and not more than 10% by weight based on the negative electrode mix.

2-4. (Canceled).

5. (Previously Presented) A non-aqueous electrolyte secondary battery according to claim 1, wherein the lithium manganese composite oxide is of cubic system and has a specific surface area of not more than  $2.0 \text{ m}^2/\text{g}$ , an average particle diameter of not less than  $3 \text{ }\mu\text{m}$  and not more than  $30 \text{ }\mu\text{m}$  and a lattice constant  $a$  of not more than  $8.25 \text{ \AA}$ .

6. (Previously Presented) A non-aqueous electrolyte secondary battery according to claim 1, wherein the lithium manganese composite oxide is of rhombic system and has a specific surface area of not more than  $5.0 \text{ m}^2/\text{g}$ , an average particle diameter of not less than  $3 \text{ }\mu\text{m}$  and not more than  $30 \text{ }\mu\text{m}$ , and a lattice constant  $a$  of not less than  $2.75 \text{ \AA}$ ,  $b$  of not less than  $5.70 \text{ \AA}$  and  $c$  of not less than  $4.55 \text{ \AA}$ .

7-10. (Canceled).

11. (Previously Presented) A non-aqueous electrolyte secondary battery according to claim 1, wherein the material capable of absorbing and releasing lithium consists of at least one selected from the group consisting of:

at least one carbonaceous material selected from the group consisting of graphite, coke, pyrolytic carbon, mesocarbon microbeads, graphitized mesophase spherules, vapor deposited carbon, polyacrylonitrile fibers, pitch fibers, cellulose fibers, vapor deposited carbon fibers, and amorphous carbon; and

at least one inorganic compound selected from the group consisting of titanium oxide, tungsten oxide, molybdenum oxide, niobium oxide, vanadium oxide, iron oxide, iron sulfide, molybdenum sulfide, titanium sulfide, polythiophene, polyacetylene, cobalt nitride, copper nitride, nickel nitride, iron nitride, and manganese nitride.

12. (Previously Presented) A non-aqueous electrolyte secondary battery according to claim 1, wherein the material capable of absorbing and releasing lithium contains no lithium metal or lithium-containing alloy.

13-14. (Canceled).